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NOTIFICATIONS BY GOVERNMENT

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LAW DEPARTMENT

(LA, LA&J-HOME-COURTS-B)

APPOINTMENT OF LAW CLERKS ON CONTRACT BASIS TO ASSIST THE HON'BLE JUDGES OF THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH - GUIDELINES FRAMED UNDER ARTICLE 229 OF CONSTITUTION OF INDIA.

[G.O. Ms. No. 45, LAW (LA, LA&J-Home-Courts-B), 15th June, 2017.]

Notification No.4/SO/2017

Guidelines for appointment of Law clerks to Hon'ble Judges

In exercise of the powers conferred by Article 229 of the Constitution of India, the Hon'ble the Acting Chief Justice is pleased to frame the following guidelines for appointment of Law Clerks to Hon'ble Judges of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

1. Short Title : The Guidelines Provided herein shall be known as "Guidelines for Appointment of Law Clerks to Hon'ble Judges of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

2. Definitions : Unless there is anything repugnant to the context-

- (i) "Chief Justice" means the Hon'ble the Chief Justice of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
- (ii) "Judge" means a Judge of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.
- (iii) "University" means a University established by or under a Law of Parliament or State Legislature.
- (iv) "Website" means the Official website of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. (www.hc.tap.nic.in)

3. Appointing Authority : The authority competent to engage the services of a person as Law Clerk to the Hon'ble Judges shall be the Hon'ble Chief Justice.

4. Age:

- (i) A Candidate must not have attained the age of 30 years as on 1st January / 1st July, preceding the last date fixed for submission of applications.
- (ii) He / she must be a citizen of India.

5. Eligibility Criteria : A Candidate will be treated as eligible to be engaged as a Law Clerk provided He / she satisfies the following criteria:

- (i) The Candidate should have acquired a Degree in Law from a recognized University, having studied a 5-year regular stream after completion of 10+2 years of schooling.
- (ii) The Candidate should have passed the Degree in Law within 2 years immediately preceding the date of notification for selection of Law Clerks.
- (iii) The Candidate should not be pursuing any other course of study or pursuing any other profession or occupation, which may require them to be away from their place of work during the period of their engagement as Law Clerk.
- (iv) The Candidate should not have enrolled as an Advocate in any of the State Bar Councils.

6. Period of Assignment and De-assignment of Law Clerks :

- (i) The engagement as Law Clerk will be normally for a period of one year from the date of assignment. However, subject to the approval of the Hon'ble the Chief Justice, the period of assignment can be extended for a further period not exceeding one year.
- (ii) However, the assignment of any Law Clerk may be discontinued even before the completion of one year, without notice if his/her services are found to be unsatisfactory.
- (iii) The Candidates should join their assignment of Law Clerk within the period specified in their order of appointment. No request for extension of time for joining the assignment of Law Clerk will be entertained under any circumstances.
- (iv) Law Clerk shall not be treated or deemed to be an employee either of the High Court Service or of the Judicial or Judicial Ministerial Service.
- (v) If a Law Clerk desires to have the assignment terminated before the expiry of the period of assignment, he / she shall give an advance notice of a duration of not less than one month to the Hon'ble Judge to whom the candidate is attached.

7. Selection Process :

- (i) Selection for the assignment of Law Clerks shall be made by way of notification inviting applications from willing and eligible candidates.
- (ii) Prominent Law Schools/Universities may also be invited to recommend their Alumni.
- (iii) Such applications shall be made in the form as prescribed in Annexure-I, which can be downloaded from the High Court website (www.hc.tap.nic.in) and it should be accompanied by copies of documents, as enumerated therein.
- (iv) Eligible Candidates will have to appear for viva voce at Hyderabad at their own expenses on the date, time and venue to be intimated to them.

- (v) The selection shall be made by the Hon'ble the Chief Justice or a committee nominated by the Hon'ble the Chief Justice.
- (vi) The Selection shall be based on merit and the list of candidates selected by the Hon'ble Committee, shall be subject to the approval of the Hon'ble the Chief Justice.

8. Duties and Responsibilities assigned to Law Clerks : Law Clerk is expected to assist Hon'ble Judges primarily in their judicial and academic work, which may include-

- (i) Reading of case files, preparation of the case including case summary and notes, chronology of events.
- (ii) Identifying facts and issues, questions that may arise or may need to be addressed.
- (iii) Research work including case Laws, Articles and study material for conferences.

9. Record of Attendance of Law Clerks :

- (i) All the Law Clerks should mark their attendance in the Attendance Register kept in the Room of the Assistant Registrar (Admn.) before they proceed to the Chambers of the respective Hon'ble Judges, to whom they are attached.
- (ii) If any of the Law Clerks has been directed to attend the work at the Official Residence of the Hon'ble Judges or elsewhere, the P.A. to Hon'ble Judges attached to the respective Hon'ble Judge shall endorse the request of the Law Clerk and forward the same to the Assistant Registrar (Admn.).

10. Leave Entitlement :

- (i) Law Clerks shall be entitled to Casual Leave at the rate of one day for every completed month of assignment.
- (ii) They will be permitted to proceed on Casual Leave with prior intimation to the Hon'ble Judge to whom they are attached.
- (iii) If, any Law Clerks are found to be exceeding the permissible limit of 12 days of Casual Leave in a Calendar Year, necessary deductions will be made from their monthly Honorarium on pro-rata basis.

11. Honorarium :

- (i) Each Law Clerk shall be paid a consolidated amount of Rs.25,000/- (Rupees twenty five thousand only) per month as Honorarium for the assignment subject to the approval of the Government.
- (ii) Law Clerks shall not be entitled to any other allowances or perks.

12. Bar to Practice as Advocate or Taking up Employment :

- (i) No Law Clerk during the currency of their assignment shall be entitled to enrol or practice as an Advocate in any Court of Law or Tribunal or Authority and it will be obligatory for them after accepting the assignment as Law Clerk to inform the Bar Council concerned, in writing that he/she shall not practice as an Advocate as long as he/she continues with the assignment as Law Clerk.

- (ii) The Law Clerk during the currency of their assignment shall not be entitled to take up any employment, engagement of whatsoever nature either on full time or part time basis.
- (iii) The Law Clerk shall refrain from practicing before the Hon'ble Judge with whom he/she was attached for a period of two years after relinquishment of his / her assignment as Law Clerk.

13. Conduct of Law Clerk :

- (i) During the assignment, every Law Clerk shall maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to him/her.
- (ii) Similarly, during the period of assignment and at all times, the Law Clerk shall maintain complete confidentiality regarding the work assigned to him/her by the Hon'ble Judge he/she shall maintain utmost confidentiality in respect of matters which come to his / her notice by virtue of such assignment and shall ensure that no information or document is leaked out because of his / her mishandling of papers or his / her deliberations with others, or any other manner.

14. Access available to Law Clerks :

Law Clerks are permitted access to the Court Halls and Judges' Library. However, with prior permission from the Hon'ble Judges they can access the Computers and Internet in the Chambers of the Hon'ble Judges.

15. Dress Code for Law Clerks :

- (i) For Male Law Clerks-Black Trousers, White Shirt (Full Sleeves) with Black Tie and Black Shoes.
- (ii) For Female Law Clerks-White Blouse with Light Colour Saree (or) White Salwar Kameez with Black Dupatta or Black Trousers with White Shirt.

A. SANTHOSH REDDY,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice.

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